

## RESEARCH ETHICS

## Stem cell research on other worlds, or why embryos do not have a right to life

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Anxieties about the creation and destruction of human embryos for the purpose of scientific research on embryonic stem cells have given a new urgency to the question of whether embryos have moral rights. This article uses a thought experiment involving two possible worlds, somewhat removed from our own in the space of possibilities, to shed light on whether early embryos have such rights as a right not to be destroyed or discarded (a “right to life”). It is argued that early embryos do not have meaningful interests or any moral rights. Accordingly, claims about the moral rights of embryos do not justify restrictions on stem cell research.

some, but not other, entities or beings who have the potential to attain self awareness or personhood?

In the context of research embryos, it does not help to adopt Judith Jarvis Thomson’s approach of assuming, for the sake of argument, that an embryo or fetus has rights, then arguing that these can be overridden by a woman’s right to control her own body.<sup>3</sup> No such conflicting right is at stake when we are dealing with entities that exist solely in vitro, and where there is no prospect of them ever being implanted into a woman’s uterus without her agreement and cooperation.

In short, arguments that embryos lack a right to life can seem to prove too much. I propose to demonstrate that this is not so.

For many years now, social and political struggles over the issue of abortion have given practical urgency to philosophical debate about whether human zygotes, embryos and fetuses have moral rights, such as a right not to be destroyed or discarded (loosely, a “right to life”). Current anxieties about the creation and destruction of human embryos for the purpose of scientific research on embryonic stem cells have added to this sense of urgency.

I argue here that embryos do not have interests, or in any event they have none that we are morally obliged to further, and that we should reject the idea that embryos have a right to life. I am well aware, however, that anyone arguing for such a position faces the possible embarrassment that it is difficult to draw a bright moral line between (on the one hand) the destruction of an embryo or a fetus and (on the other) infanticide. If a right to life is said to depend upon personhood, then a newborn baby does not have any such rights. Newborn babies, after all, do not seem to be fully self aware, or to be persons.<sup>i</sup>

Yet most people have the strong intuition that infanticide is morally wrong.

If we are going to condemn infanticide, the most obvious ground seems to be the potential of a newborn baby to develop into a person. If we accepted that *this* gave a newborn baby a right to life, why would we not be committed to the proposition that embryos also have a right to life? Conversely, we could deny that potentiality gives embryos a right to life, relying, as Peter Singer does, on the claim that “A is a potential X” fails to establish that “A has the rights of an X”,<sup>2</sup> but this applies to newborn babies as much as to embryos. In short, how can we justify rights for

## THE THEME OF THE PAPER

To make progress in this area of moral philosophy, we require a deeper understanding of the nature of morality as an inevitable and justified human institution. We are rational and sociable, but in many ways vulnerable, animals; we are neither unreasoning brutes nor invulnerable gods. It is unsurprising that creatures like us have reasons to find certain things valuable—and to fear certain other things. For us, the institution of morality, and particular moral traditions and norms, can be justified by their ability to promote outcomes that we have reason to value, and their ability to reduce the threat of outcomes that we have reason to fear.

In this paper, I present an account of how moral traditions would develop on two possible worlds that are somewhat distant from ours in the space of possibilities, though surprisingly like our own in their inhabitants’ moral attitudes. Both worlds are populated by human beings very like ourselves, with similar reasons to value and fear certain things. Like us, they are now embroiled in controversies about stem cell research.

The idea is that we can step back from our experience of morality, and see why certain moral traditions are naturalistically justified. In other words, we can see why they are necessary for the promotion of values that creatures like us have reason to promote. We need no “props for morality”<sup>4</sup> such as mind independent moral facts, or deities to issue authoritative commands.<sup>ii</sup>

<sup>i</sup> This is the tenor of *Abortion and Infanticide*.<sup>1</sup>

<sup>ii</sup> I owe this expression, “props for morality”, to Rachels.<sup>4</sup>

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My account of the imaginary worlds of the Ovoids is meant to illustrate this approach to moral philosophy. More specifically, however, it shows how an entirely *justifiable* idea could arise that babies properly attract solicitude and even reverence, without this entailing anything about moral rights for the unborn.

### THE WORLDS OF THE OVOIDS

Ovoid World One has human inhabitants who look and act very much like us, and their world physically resembles Earth. However, women on Ovoid World One do not give birth to babies. Instead, they lay featureless orange objects like very large hens' eggs—similar in size to a football used in rugby league. Ovoids are laid only after considerable difficulty and stress for their mothers, including a long period of increasingly impeded activity. Actually laying an Ovoid can take hours, and often involves intense effort and pain.

Once laid, Ovoids gradually take on sentience, human shape, and an increasing degree of liveliness (they first begin to vibrate gently after a fortnight or so). After several weeks of exposure to fresh air and sunlight, they come to resemble the human babies of our own world. During that time, they need to be cared for in various ways—they must be watered, cleaned, and kept warm—or else the metamorphosis will not take place. They absorb air and water through their skins, converting it into various biological tissues.

Although we would not be attracted to Ovoids, the human inhabitants of Ovoid World One most certainly are. Their evolved psychological nature is well stocked with moral sentiments and deep emotions relating to newly laid Ovoids, and this is not surprising. After all, the survival of family lines, cultures, and the species itself has always depended on Ovoids being cared for appropriately. Pro-Ovoid sentiments, emotions, and instinctive behaviours contributed to the inclusive fitness of humans' ancestors in their environment of evolutionary adaptedness.

The various cultures of Ovoid World One are saturated in rich symbolism that involves Ovoids. Ovoids are the subject of myths, traditional stories, widespread iconography, and even some popular songs. Plays by the equivalents of Plautus and Shakespeare describe comical imbroglios, in which newly laid Ovoids belonging to different mothers get mixed up. The equivalent of Hollywood produces movies in which, long after metamorphosis and growth to adulthood, male protagonists finally discover their true fathers.

On Ovoid World One, oval shapes and the colour orange are commonly regarded as "cute", a phenomenon that has been observed to various extents in all human cultures on that world. Different cultures, at different times and in different places, do, however, have slightly differing attitudes to Ovoids. Some cultures, for example, are willing, to various extents, to abandon Ovoids immediately after they have been laid—though this happens only in times of extreme scarcity. (In the harsh environments where those cultures subsist, abandoned Ovoids are commonly eaten by predators. They never develop into babies.) Some cultures have immediately destroyed Ovoids that are born with wrinkly surfaces; if cared for in the normal way, wrinkly Ovoids metamorphose into babies with serious congenital deformities, including intellectual disabilities and lives full of pain.

A few cultures have practised certain kinds of ritual cutting of Ovoids—which adversely affects the people into whom they develop. This is more common with female Ovoids (which are a slightly different shade of orange from males). Adherents of these practices justify them by appeal to certain religious texts, and to traditional beliefs about the role and status of women.

The cultures of Ovoid World One also differ in their preparedness to countenance abortion of unlaid Ovoids, or of the proto-Ovoids from which they develop. Note that Ovoids start out as zygotes, which superficially resemble the human zygotes of our own world and are created when an oocyte is fertilised by a sperm cell. They develop over a period of months, passing through various proto-Ovoid stages until, shortly before being laid, they finally resemble fully gestated Ovoids.

Despite their differences, all the cultures of Ovoid World One perceive Ovoids as having enormous significance and value. There is a core of pro-Ovoid attitudes everywhere on this world, and these attitudes have been beneficial for the survival of the human species, and also for that of particular family lines, tribes, peoples, politics, cultures, and civilisations. Indeed, the presence of pro-Ovoid attitudes in the cultures of this world was inevitable. A culture without such attitudes might somehow survive, but perhaps not for long. At the least, it would be seriously disadvantaged.

Some modern societies on Ovoid World One are pluralistic: there is a toleration of customs from many traditional cultures, and of many non-traditional philosophies and belief systems. In these pluralistic societies, however, certain specific practices are considered beyond the pale of toleration. The ancient practice of female Ovoid cutting, for example, is strongly discouraged and usually prohibited. Traditional justifications for it are given short shrift, and the justifications do appear to be irrational and repellent in the light of modern ideas about the abilities of women. The precise boundaries of toleration in the pluralistic societies on Ovoid World One are subject to a shifting and incomplete consensus, but many different customary practices are lawful.

Some conservative philosophers and bioethicists of Ovoid World One speak of the "deep meaning" of laying Ovoids and caring for them, but not everybody uses such language. Openly or secretly, the more secular thinkers consider it pompous, imprecise, and distracting. Many people deny that Ovoids possess "souls", or any property of "sanctity". Yet no one seriously believes that human beings would do better to disown and suppress their pro-Ovoid attitudes. Some individuals in the more industrialised societies are not personally interested in raising families, and seem to feel the usual emotional attraction to Ovoids to a lesser degree than most. Even they, however, see justification for the general attitude that, once they have been gestated and laid, Ovoids should be loved, protected, and cared for.

Ovoid World Two is very similar, except that human beings somehow evolved with no instinctive impulses to care for their Ovoids, and to value them. It is worth considering this slightly different world to show how Ovoids can come to be treated with great solicitude even if this is not simply an instinctive reaction. On this world, the most effective methods for looking after Ovoids were found by experience, since they were *not* instinctive, but the basics were worked out long in the past, myriads of years ago. As on Ovoid World One, Ovoids are laid only after a considerable gestation period, and usually with intense, drawn out pain. Although mothers and Ovoids do not bond by instinct, survival at the family, social, and species levels depends to a large degree on how well Ovoids are treated.

Not surprisingly, therefore, the cultures and societies of Ovoid World Two have developed rich and durable traditions that involve treating Ovoids with great care. Attitudes differ to some degree from culture to culture, but Ovoids, once laid, are generally regarded as more precious than gold. In all cultures on Ovoid World Two, parents love their Ovoids, and destroying someone's newly laid Ovoid is regarded as an almost unspeakable act. As on Ovoid World One, no serious

thinker has ever proposed that human beings would do better to disown and suppress their pro-Ovoid attitudes. On that much, there is overwhelming intersubjective and intercultural agreement. As on Ovoid World One, it is difficult to see how the various cultures could have prospered, even if they survived for a time, without developing a strong consensus of attitudes in favour of protecting and caring for Ovoids.

The humans of both worlds have good justification for their intensely pro-Ovoid feelings and their moralised attitude of protectiveness, and even reverence, toward Ovoids, once they have been laid. Their justification is grounded in values that it is rational for them to have, such as cultural survival.

## STEM CELL RESEARCH ON THE OVOID WORLDS

Scientists on the Ovoid worlds have now discovered that cells obtainable from early proto-Ovoids are totipotent and have great promise for the development of high tech medical therapies. They propose to carry out research on early proto-Ovoids (tiny blobs of protoplasm that are neither orange nor football shaped) created *in vitro*. Their research will involve proto-Ovoids being destroyed or discarded.

On both of the Ovoid worlds, the scientists' proposals have met with fierce resistance from traditional moralists, a resistance that has been shaped into impressive intellectual arguments by certain philosophers and bioethicists. Proto-Ovoids are said to have moral rights that are inconsistent with being used in such research because they are entities with the potential to become adult human persons, with all the goods that this implies—that is, such goods as self awareness and the capacity to interact socially with other self aware beings.<sup>5</sup> Or perhaps the point is that to deprive them of the chance of a future like ours is much like murdering one of us.<sup>6</sup>

As previously mentioned, proto-Ovoids grow from fertilised oocytes. The more sophisticated opponents of stem cell research are careful, however, not to claim that oocytes or sperm cells are entities with moral rights, such as a right to life. Unlike a proto-Ovoid, an oocyte or a sperm cell is not an entity that can actually *become* an Ovoid, and thereafter a human baby. Therefore, it is argued, neither an oocyte nor a sperm cell is an entity that can be said to have *lost* anything if it is destroyed. It is quickly added, however, that proto-Ovoids most emphatically do have moral rights.

If this argument is successful, it demonstrates that any scientific experimentation which involves destroying or discarding proto-Ovoids violates their rights. If scientists create a proto-Ovoid *in vitro*, so it is argued, they thereby assume an obligation to implant it in someone's uterus, and assist it through a process of gestation so that it can be laid, then cared for until it metamorphoses into a human baby. Moreover, the argument suggests that scientists would be showing contempt for the moral rights of proto-Ovoids if they deliberately set out to create a proto-Ovoid whose rights they intended to violate at a later time.

For their part, those who favour stem cell research are at a loss as to how an insentient entity that is not even an Ovoid, let alone a baby, a child, or an adult, can meaningfully be said to have interests or moral rights. It is not salient, they point out, to argue that a proto-Ovoid could be invested by statute with *legal* rights, enforceable by others on its behalf. These are essentially a legal fiction, established for the purpose of furthering various public interests favoured by legislators. Even if a statute provided proto-Ovoids with enforceable legal rights, that would hardly settle the obvious philosophical difficulty. How can an entity such as a proto-Ovoid have underlying interests and *moral* rights?

On the Ovoid worlds, liberal thinkers often express these thoughts through the proposition that only persons—self aware beings—can have genuine interests and moral rights,

which is met by the moral conservatives with a seemingly knockdown *reductio ad absurdum* argument. If an interest in growing up and eventually becoming an adult does not exist, they say, it is literally impossible to harm a newly laid Ovoid, and we do no wrong if we destroy one. Indeed, these conservative thinkers add, we cannot even harm a fully metamorphosed *baby* if we kill her by means of a painless injection (thus avoiding an allegation that our action of killing the baby is morally wrong on classical utilitarian grounds) (Stone,<sup>5</sup> p 820).

On reflection, however, this conservative argument should not be convincing. Recall that both of the Ovoid worlds feature human cultures with complex, but invariably positive, cultural attitudes to Ovoids. A common feature of those attitudes is the sentiment that destroying an Ovoid is wrong, except, perhaps, in certain unusual and specific circumstances. As we have seen, the human cultures on both worlds are thoroughly imbued with stories and images that reflect, convey, and reproduce pro-Ovoid attitudes. There are very good reasons for individuals in all those cultures not to disown and suppress their attitudes in favour of Ovoids, though admittedly those attitudes are better supported by instinctive psychology on Ovoid World One than on Ovoid World Two.

In short, destroying Ovoids that have actually been laid is not only considered wrong on these other worlds; there is an *inevitability* that it be considered wrong. Furthermore, there is a rational justification (at least for those who value the ongoing flourishing of their cultures and societies) for *continuing* to consider it wrong.

This is near enough to saying that it simply *is* wrong.

"Where is the problem?" liberal thinkers ask. They explain that destroying a proto-Ovoid in a test tube is not at all like destroying someone's newborn Ovoid, or newly formed baby. Moreover, since social attitudes to Ovoids and babies are so very deeply rooted in cultural traditions, and (at least on Ovoid World One) in evolved human psychology, there is no danger that stem cell research will commence a slippery slope that leads to a violent, Ovoid and baby killing society at the bottom. Indeed, even those cultures that have practised Ovoid destruction in particular circumstances have always psychologically "fenced off" this practice from their more general pro-Ovoid attitudes.

## OUR OWN WORLD

In many ways, our own world is rather like Ovoid World One and Ovoid World Two. Admittedly, those worlds are distant from ours in the space of possibilities, since the reproductive biology of their human beings is very different from ours. The individual and cultural attitudes to Ovoids are, however, similar to our attitudes to babies, and they are justified by similar considerations.

It does seem, here on Earth, that adult human beings are drawn by instinct to babies and young children, even those of other parents. As Kunich puts it, we find babies uniquely "appealing and endearing", and feel "driven to care for them and nurture them".<sup>7</sup> This suggests that our world is more like Ovoid World One than Ovoid World Two. However, it does not really matter. No dogmatic stance need be taken on exactly how far our attitudes to babies are instinctive. For that reason, I introduced both of these worlds, and showed how they have both developed attitudes of solicitude or reverence for Ovoids, once they are actually laid.

As we saw, the cultural formations of Ovoid World One, where the humans are instinctively attracted to babies, are not significantly different from those of Ovoid World Two, where humans are less well supplied with instincts. It seems clear that nothing of philosophical importance depends on where, exactly, *we* fit on a continuum between the people of



these two possible worlds. In other words, it does not matter how much our own pro-baby attitudes can be correctly described as “instinctive”. The point is that these attitudes are inevitable for creatures like us.

For whatever precise combination of reasons, we are immediately moved by strong emotions when we hear, or read, of acts in which babies are murdered or treated cruelly. When we feel such emotions, however, it is not because we think automatically of the violation of “growing up rights” that babies share with other “potential persons”, such as embryos. It is not even because we imaginatively place ourselves within a baby’s viewpoint. Our shock that someone could act in such a way is more direct. *What sort of individual would do such a thing?* Conversely, we can easily put ourselves in the place of a mother whose baby is killed before her eyes in a cruel way. Perhaps we cannot fully imagine what it is like to have such a bond destroyed by the actions of a sociopathic criminal or a brutal enemy soldier, but even a limited sense of it evokes our spontaneous compassion mixed with feelings of outrage.

All of these attitudes and emotions toward babies and their mothers are of benefit to the flourishing of human cultures and communities, and—just as with the attitudes of solicitude toward Ovoids—there is certainly no good reason to try to disown and suppress them. On the contrary, they are an aspect of our psychology that we have every reason to endorse. We should continue to think in the way we do, be glad that parents bond so readily and strongly with their children, and reaffirm the significance that we accord to a young member’s entry into our community.<sup>8</sup> Public policy should lean toward assisting mothers and other family members in caring for their young children.

Yet this is all remote from our relationship to early embryos produced in vitro for use in scientific research.

## INTERESTS, RIGHTS, AND DEATH

For the moment, let us stay on Earth. Some considerations suggest strongly that early embryos do *not* have, or should not be extended, moral rights—for what could require us to further any interests that we attribute to them? Going back a step, what exactly is the nature of the so called “interest”? Unlike a baby, an early embryo has not developed a nervous system, and it cannot feel terror or pain. Thus the alleged wrongfulness of a scientist’s conduct in destroying it, or discarding it, cannot consist in inflicting upon an entity something that it feared. It is difficult to identify any harm that should be recognised as morally impermissible.

The predicament of an embryo that has been created for stem cell research may be contrasted with that of an adult human being who has been diagnosed with cancer, and fears the rapid approach of death. A prognosis of imminent death from cancer is tragic. A proposal to discard an early embryo is nothing of the sort.

In ancient times, Epicurus and his followers developed arguments to the effect that we have no reason to fear death, if death involves the extinction of all sensation, and it remains puzzling just how death can be a misfortune for any of us if there is nothing we can experience afterwards. Epicurus claimed that death is “nothing to us”, something that is neither good nor evil.<sup>9</sup> But the approach of death truly is an evil for most human beings, even if there is nothing unpleasant about actually being dead.

Once we are born and begin to become part of a society, we soon have good reasons for preferring to stay alive: reasons

that are forward looking.<sup>10</sup> I may wish, for example, to complete a philosophical monograph that I am writing, or the developmental work on a new curriculum. I may want to see some progress for a political cause that I have taken up. Various people may love me, and some of them may be emotionally shattered by my death (I care about this because I love *them*). No one could be indifferent to a medical prognosis of imminent death while retaining such forward looking attachments to life. Yet it is just these attachments that are among the most valued aspects of our experience. *Contra* Epicurus, we should not try to disown and suppress our feelings of attachment to people and projects, any more than we should try to disown or suppress our solicitude toward babies and mothers.

Contrast the early embryo, marked for destruction. It does not fear death. It is incapable of planning books or curricula, of identifying with political causes, or falling in love. It has no networks of kin, loved ones, dependents or colleagues, and cannot commit itself to any projects that give it reasons to want to go on living and developing. Indeed, it *has* no wants. There is nothing at all that it is like to be an early embryo, and if death is a misfortune for it in some way, it is certainly not in the same way as for a human adult.

It is difficult to see why moral weight should be put on a need to avert *that* kind of misfortune. Surely it cannot outweigh the interests of actual adults and children whose lives, wellbeing, and hopes for the future depend crucially on the development of new medical therapies.

## CONCLUSION

Like proto-Ovoids, early embryos cannot have meaningful interests. In any event, we have no compelling reason to give moral weight to “interests” possessed by entities that are unable to suffer pain or frustration, have no forward looking subjective attachments to life, and do not know fear. We should not think of early embryos as having rights. Furthermore, there is no rational justification for thinking of them in the emotionally charged and culturally rich ways that we inevitably think of babies and young children.

Stem cell research should get a green light in all the various nations and jurisdictions on the worlds of the Ovoids. The people there have every reason to discover new, effective therapies, and no good reason to attribute a right to life to insentient entities at a very early stage of development. Here on Earth, the same reasons apply.

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